

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**SB 1761 - HB 1768**

February 19, 2022

**SUMMARY OF BILL AS AMENDED (013976):** Authorizes clerks in courts where electronic filing, signing, or verification of papers has been authorized by local rule and complies with technological standards established by the Supreme Court to charge a printing fee of up to 20 cents per page for the purpose of printing a paper copy of any filing to be kept in the clerk's file.

Provides that pursuant to current law, such fees shall not be assessed against the state. Prohibits fees from being assessed against a party or a party's legal representative who has been declared indigent.

Terminates the provision on July 1, 2024, on which date the law in effect prior to this provision is revived.

**FISCAL IMPACT OF BILL AS AMENDED:**

**Increase Local Revenue – \$421,500/Each FY22-23 and FY23-24/Permissive**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 8-21-401(l) and the proposed legislation, printing fees shall not be assessed against the state. Therefore, there will be no impact to state government.
- The proposed legislation does not require court clerks to assess printing fees. As a result, any impact to local government is considered permissive.
- According to the Administrative Office of the Courts, there are 24 courts authorized for electronic filing, signing, or verification of papers. It can be reasonably assumed that all 24 courts will assess a printing fee for paper copies of any filing to be kept in the clerk's file.
- Based on data from the Annual Report of the Tennessee Judiciary for FY17-18, FY18-19, and FY 19-20, the average number of filings from courts authorized for e-filing is 52,689 [(54,482 in FY17-18 + 53,255 in FY18-19 + 50,331 in FY19-20) / 3].
  - Data for the three juvenile courts authorized for e-filing was unavailable at the time of this analysis.
- Tennessee Code Annotated § 8-21-401(m) and the proposed legislation provide that no fee shall be collected from indigent parties.
- It is assumed that approximately 20 percent of filers will be considered indigent.

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- Pursuant to Tennessee Supreme Court Rule 20A: Facsimile Filing(b)(6), no filing shall exceed 50 pages in length unless authorized by the court.
- It can be reasonably assumed that clerks of qualifying courts will opt to charge the maximum fee of 20 cents per page.
- The permissive increase in local revenue is estimated to be \$421,512 [ $\$0.20 \times (52,689 \text{ filings} \times 80\%) \times 50 \text{ pages}$ ] in each FY22-23 and FY23-24.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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